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OFFICE OF PETITIONS

In re Application of Bartlett et al. :
Application No. 10/511,461 :
Filing Date: October 14, 2004 :
Attorney Docket No. 13058N/041750 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181 filed August 26, 2009, requesting the Office withdraw the holding of abandonment.

The petition is **granted**.

The Office mailed a non-final Office action on January 28, 2009. The Office action set a three-month shortened statutory period for reply. The file record contains a reply to the Office filed (received) on August 3, 2009. The reply was accompanied by payment of \$555 for an extension of time. The reply includes a certificate of mailing dated July 28, 2009. The Office mailed a Notice of Abandonment on August 5, 2009. The Notice of Abandonment states the application is abandoned because a reply was never filed in response to the January 28, 2009 Office action.

Petitioner asserts a reply was timely filed in response to the January 28, 2009.

A reply was filed in response to the January 28, 2009. In view of the certificate of mailing and payment of \$555, the reply was timely. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Technology Center Art Unit 2725 will be informed of the instant decision and the application, including the amendment filed August 3, 2009, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

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